IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 16113 of 2007(R)

OS.197/2007 of PRL.M.C., KOLLAM

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PETITIONER:

S.MINI, AGED 41 YEARS,
DAUGHTER OF SARNGADHARAN, RESIDING AT KEERTHANAM,
CONTONMENT NORTH WARD, KOLLAM EAST VILLAGE,
KOLLAM TALUK.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
   CHIEF SECRETARY TO THE GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   COLLECTORATE, KOLLAM.

3. THE VILLAGE OFFICER,
   KOLLAM EAST VILLAGE OFFICE, KOLLAM.

4. THE DIRECTOR OF RE SURVEY,
   VAZHUTHACAUD, THIRUVANANTHAPURAM.

5. THE SECRETARY, KOLLAM CORPORATION,
   KOLLAM.

R1 TO 4 BY GOVT. PLEADER SMT. BINDU.R
R5 BY SC SHRI. B. VINOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/5/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.16113 OF 2007 R

Dated this the 28th May, 2007.

JUDGMENT

The writ petition is filed seeking directions to consider Ext.P2 and in the meanwhile to direct respondents 2 and 3 to keep in abeyance all further proceedings consequent to Exts.P5 and P6 notices pending final orders from the Court. The writ petitioner has moved a suit before the Munsiff Court, Kollam as O.S.197/2007 in February 2007. Along with that she had moved an application for an interim injunction I.A.1134/07. The grievance is that the Munsiff is not disposing of the said application. Under Order XXXIX Rule 3 there is a duty cast upon the Court to pass appropriate orders in a petition for injunction and it is not correct to postpone the petition indefinitely without passing any orders. It is manifestly clear that the court has not granted any order in this matter even though the case is filed on 23.2.2007. Therefore, I am not inclined to pass any interim orders but, at the same time, I direct the learned Munsiff to hear Ext.P2 injunction application on an earlier date and dispose of the same within a period of two weeks from today.

Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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